



Public Health (Scotland) Act 1897 (repealed)

1897 CHAPTER 38 60 and 61 Vict

PART X

PORT SANITARY AUTHORITY

172 Constitution of port local authorities.

The Board may by order constitute any local authority whose district or part of whose district forms part of or abuts on any part of a port in Scotland or the waters of such port, or any persons having authority in or over such port or any part thereof, the local authority of the whole of such port or of any part thereof (in this Act referred to as the “port local authority”).

The Board may also by order constitute a joint port local authority for the whole or any part of a port by combining any two or more local authorities having jurisdiction within the proposed area or part thereof to act together for the purposes of this Part of the Act, and may prescribe the mode of such joint action; or by forming a joint port local authority consisting of representative members of any two or more of such local authorities in the same manner. Further the Board may by order constitute a joint port local authority for any two or more ports consisting of representative members of all or any of the local authorities having jurisdiction within such port or any part thereof.

The Board may from time to time alter, vary, renew, or rescind said order, and a copy of said orders when made shall be forthwith laid before both Houses of Parliament.

Any order constituting a port local authority or joint port local authority may assign to such authority any powers, rights, duties, capacities, liabilities and obligations under this Act, and direct the mode in which the expenses of such authority are to be paid, and where such order constitutes a joint port local authority, it may contain all the regulations with respect to the carrying out of the provisions of this Act by such authority.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Scotland) Act 1897 (repealed), Part X. (See end of Document for details)

A port shall mean a port as established for the purposes of the laws relating to the Customs of the United Kingdom.

Modifications etc. (not altering text)

- C1** S. 172 extended by [Food and Drugs \(Scotland\) Act 1956 \(c. 30\), s. 26\(2\)](#)
S. 172 extended (27.8.1993) by [1993 c. 11, ss. 61\(2\), 68\(2\)](#)

173 Jurisdiction of port local authority.

The order of the Board constituting a port local authority or joint port local authority shall be deemed to give such authority jurisdiction over all waters within the limits specified in the order, and also over the whole or such portion of the district within the jurisdiction of any local authority as may be so specified.

174 Delegation of powers by port local authority.

A port local authority or joint port local authority may, with the sanction of the Board, delegate to any local authority within or bordering on their district the exercise of any powers conferred on such authority by the order of the Board, but, except in so far as such delegation may extend, no other authority shall exercise any powers conferred on a port local authority or joint port local authority by the order of the Board within the district of such authority.

175 Expenses of port local authority.

Any expenses incurred by a joint port local authority shall be defrayed out of a common fund to be contributed by the local authorities in such proportions as the Board thinks just.

A port local authority, if itself a local authority under this Act, independently of its character of a port local authority, shall raise the proportion of expenses due in respect of its own district in the same manner as if such expenses had been incurred by it in the ordinary manner for the purposes of this Act.

For the purposes of obtaining payment from the contributory local authorities of the sums to be contributed by them a port local authority or joint port local authority shall issue their requisition to each such authority, requiring such authority, within a time limited by the requisition, to pay the amount therein mentioned to such authority, or to such person as such authority may direct.

Any contribution payable by a local authority to such port local authority or joint port local authority shall be a debt due from them, and may be recovered accordingly, such contribution being deemed general expenses of that authority. If any local authority makes default in complying with the requisition addressed to it by such port local authority or joint port local authority such authority may, instead of instituting proceedings for the recovery of the debt, or in addition to such proceedings as to any part of the debt which may for the time being be unpaid, proceed in the summary manner in this Part of this Act mentioned to raise within the district of the defaulting authority such sum as may be sufficient to pay the debt due.

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Where several local authorities are combined in the district of one port local authority or joint port local authority, the Board may by order declare that one or more of such authorities shall be exempt from contributing to the expenses incurred by such authorities.

176 Proceedings for raising a sum for payment of debt within district of a defaulting authority.

Where any port local authority, joint port local authority, or other authority, are authorised in pursuance of this Act to proceed in a summary manner to raise within the district of a defaulting authority such sum as may be sufficient to pay any debt due to them, the authority so authorised for the purpose of raising such sum shall, within the district of the defaulting authority, have, so far as relates to the raising such sum, the same powers as if they were the defaulting authority, and as if such sum were expenses properly incurred by the defaulting authority within the district of such authority; and the port local authority, joint port local authority, or other authority, may raise the amount by assessment, in like manner and with all the powers of imposition, levy, and recovery of the defaulting local authority.

The authority so authorised as aforesaid may, in making an estimate of the sum to be raised for the purpose of paying the debt due to them, add such sums as they think sufficient, not exceeding ten per cent. on the debt due, and may defray thereout all costs, charges, and expenses (including the remuneration to any person they may employ) to be incurred by such authority by reason of the default of the defaulting authority; and the authority so authorised as aforesaid shall apply all moneys raised by them in payment of the debt due to them, and such costs, charges, and expenses as aforesaid, and shall pay to the defaulting authority the balance, if any, remaining in their hands after such application.

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